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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,188	01/15/2002	Brian C. Barnes	2000.056900/TT4089	5070

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EXAMINER
SON, LINH L D

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/047,188	BARNES ET AL.
	Examiner	Art Unit	
	Linh LD Son	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 January 2002*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responding to the Amendment received on 08/15/2005.

2.   Claims 1-20 are pending.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-7, and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated

by England et al, US Patent No. 6775779B1, hereinafter England.

5.   As per claims 1 and 12, England discloses "A method, comprising: executing a

software object; establishing a security level for said software object" in (Col 9 lines 42-

50 and Col 10 lines 6-20); "performing a multi-table input/output (I/O) space access

using at least one of said security levels; and executing said function of said object,

wherein executing said function comprising accessing at least at portion of said

input/output space" in (Col 5 line 55 to Col 6 line 45).

As per claim 2, England discloses "The method described in claim 1, wherein executing

a software object further comprises using a processor to process software code of said

software object" in (Col 8 lines 10-24).

As per claim 3, England discloses "The method described in claim 1, wherein

establishing a security level for said software object further comprises assigning a

security level relating to a input/output (I/O) space access of at least a portion of a

input/output (I/O) space" in (Col 5 lines 55-67).

As per claim 4, England discloses "The method described in claim 1, wherein

performing a multi-table input/output (I/O) space access using at least one of said

security level further comprises: establishing a secondary table; receiving a input/output

(I/O) space access request based upon executing of said software object; performing a

multi-level table access based upon said input/output (I/O) space access request using

said secondary table and at least one virtual input/output (I/O) space table; and

accessing a portion of a input/output (I/O) device based upon said multi-level table

access" in (Col 6 lines 33-45).

As per claim 5, England discloses "The method described in claim 4, wherein

establishing a secondary table further comprises: dividing a physical input/output (I/O)

space into a plurality of segments; determining at least one of said segment to omit from

said secondary table and at least one un-omitted segment; assigning a default security

level to said omitted segment; assigning a security level to said un-omitted segment;

and correlate at least one assigned segment with a virtual input/output (I/O) space

location" in (Col 6 lines 33-45, and lines 46-65).

6.   As per claim 6, England discloses "The method described in claim 4, wherein

performing a multi-level table access based upon said input/output (I/O) space access

request further comprises: determining at least one security level that corresponds to a

segment in said secondary table" in (Col 6 lines 33-40); "verifying a match between an

execution security level to a security level associated with a segment being accessed in

response to an execution of said object" in (Col 6 lines 40-45); "determining a virtual

input/output (I/O) space address based upon said secondary table in response to a

match between said execution security level and said security level associated with said

segment being accessed; and locating a input/output (I/O) device corresponding to said

virtual input/output (I/O) space address" in (Col 6 lines 46-65, and Col 10 lines 40-50)

7.   As per claim 7 England discloses "The method described in claim 6, wherein

determining at least one security level that corresponds to a segment in said secondary

table comprises: determining a physical I/O device address from said virtual input/output

(I/O) space table" in (Col 10 lines 40-50, and Col 6 lines 55-65); "determining a segment

being executed based upon said physical address; and defining a current security level

based upon said determining of said segment being executed" in (Col 6 lines 46-65).

8.   As per claims 13-14, England discloses "An apparatus, comprising: a processor

coupled to a bus; means for coupling at least one software object to said processor; a

input/output (I/O) device unit; and a input/output (I/O) access interface coupled to said

bus and said input/output (I/O) space unit" in (Col 4 lines 15-35), "said input/output (I/O)

space access interface to provide said processor a multi-level table input/output (I/O)

space access of at least a portion of said input/output (I/O) space unit based upon at

least one security level, in response to said processor executing said software object" in

(Col 5 lines 55-67).

9.   As per claim 15, England discloses "The apparatus of claim 13, wherein said

input/output (I/O) space access interface comprises a virtual input/output (I/O) space

access table coupled with a secondary input/output (I/O) table, said input/output (I/O)

space access interface to provide a virtual input/output (I/O) space addressing scheme

to access at least one portion of said input/output (I/O) device based upon a security

level" in (Col 6 lines 45-65, and Col 10 lines 40-50).

10.   As per claim 16, England discloses "The apparatus of claim 13, wherein said

input/output (I/O) device comprises at least one of a magnetic tape memory, a flash

memory, a random access memory, and a memory residing on a semiconductor chip" in

(Col 4 lines 25-35).

Double Patenting

11.   The previous nonstatutory double patenting rejection dated 05/13/05 is

maintained. See below.

12.   The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees. See In re Goodman, 11

F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225

USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA

1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, In re Thorington,

418 F.2d 528, 163 USPQ 644 (CCPA 1969).

13.   A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be

used to overcome an actual or provisional rejection based on a nonstatutory double

patenting ground provided the conflicting application or patent is shown to be commonly

owned with this application. See 37 CFR 1.130(b).

14.   Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with

37 CFR 3.73(b).

15.   Claims 1-20 provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-20 of

copending Application No. 09999881, hereinafter '881. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-20 in this application recites similar feature as the claims 1-20 in the copending Application '881, except the copending Application '881 recites "the multi-table input/output (I/O) space" feature in this application as the "the multi-table memory". Nevertheless, it obvious at the time of the invention was made for one having ordinary skill in the art to interpret the "the multi-table Input/Output space " as the "the multi-table memory". The claimed input/output (I/O) space in this application is referring to the computer readable storage medium, which allows the processor to write or read information from, or input or output information from. The depend claim 16 in both application recites exact similar limitation of the input/output (I/O) space device or memory device.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

16. "A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " ELI LILLY AND

COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the

Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30,

2001).

Response to Arguments

17.   As per argument on page 8-9, first paragraph, applicant argues that England

does not disclose "the multi-table input/output (I/O) space access using the

security levels and executing the function of the object". Examiner interpreted

the Multi-table memory access as the Multi-ring memory access. England

discloses a multi-ring memory access system to execute program object. Each

ring has designated addresses to read data from or write data to memory or

initiate code execution (Col 5 lines 58-60 and Col 6 lines 6-10) and a level of

restriction or security. It is clearly that each ring of memory contains addresses

of memory that can only be accessed with a certain level of restriction or security.

On page 9, middle paragraph, Applicant wrote: "In other words, simply because

England discloses a multi-ring security system, the elements relating to the multi-

table access of the claims of the present invention are not anticipated", is

understood and recognize by the Office. Nonetheless, the multi-table access

manner is referred by England "Multi-ring" access in (Col 5 line 55 to Col 6 line

12). Nonetheless, the elements relating to the multi-table access are not recited

in the claim language. By the way, what are the various subject matters?

Therefore, England anticipates claim 1. Claims 2-7 are depending on claim 1 and are rejected under the reasons as above.

18. Claims 12-16 recite similar limitation as claims 1-7 and are rejected under the same reasons as above.

19. For the reasons above, the rejection of claims 1-7 and 12-16 dated 05/06/05 is maintained. However, claims 8-11 and 17-20 rejection under 103 (a) was being unpatentable over England has been withdrawn in view of applicant's arguments.

20. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., page 9, "the elements relating to the multi-table access") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

21. **THIS** ACTION **IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not
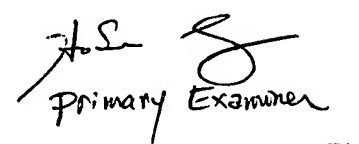
mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

22.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Linh LD Son whose telephone number is 571-

272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son
Examiner
Art Unit 2135

Primary Examiner
Art Unit 2135